

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) DAVID BATHRICK,

Plaintiff,

v.

(2) SOUTHERN OUTLAW TRUCKING  
D/B/A SOUTHERN TRUCKLOAD &  
LOGISTICS;

(3) JORDAN Q. BENNETT;

Defendants.

Case No.: CIV-17-145-W

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Southern Outlaw Trucking d/b/a Southern Truckload & Logistics (“Southern Outlaw”) hereby gives notice of removal of the above-captioned action, currently pending before the District Court of Oklahoma County, State of Oklahoma as Case No. CJ-2017-219, to the United States District Court for the Western District of Oklahoma. In support of removal, Southern Outlaw states:

1. On January 12, 2017, the Plaintiff commenced this action in the District Court of Oklahoma County, State of Oklahoma, styled *David Bathrick v. Southern Outlaw Trucking d/b/a Southern Outlaw Truckload & Logistics, & Jordan Q. Bennett*, Case No. CJ-2017-219. (A copy of Plaintiff’s Petition is attached hereto as Exhibit 1). Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders served and/or filed is attached hereto as Exhibits 1 through 8:

a. Petition;

b. Entry of Appearance of Rex Travis, Attorney for Plaintiff;

- c. Entry of Appearance of Paul Kouri, Attorney for Plaintiff;
- d. Entry of Appearance of Jacob Masters, Attorney for Plaintiff;
- e. Return of Summons, Southern Outlaw Trucking d/b/a Southern Truckload & Logistics, served on January 23, 2017;
- f. Return of Summons, Jordan Q. Bennett, served on January 26, 2017;
- g. Defendant Bennett's Special Entry and Reservation of Time to Answer or Otherwise Plead;
- h. Defendant Southern Outlaw Trucking's Special Entry and Reservation of Time to Answer or Otherwise Plead;

2. Pursuant to Local Rule LCvR 81.2, a copy of the entire Docket Sheet for the Oklahoma District Court, Case No. CJ-2017-219, is attached hereto as Exhibit 9.

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), in that it is being filed thirty (30) days from the time that the matter first became removable by way of 28 U.S.C. § 1332.

4. The District Court of Oklahoma County is located within the district of the United States District Court for the Western District of Oklahoma.

5. This case arises from a motor vehicle accident which occurred on or about August 4, 2016 in Kingfisher, Oklahoma, in the County of Kingfisher, which lies within the district of the United States District Court for the Western District of Oklahoma.

6. There is a companion case, arising out of the same incident, currently pending before this Court, styled as *Trenton Scrivner & Lauren Scrivner v. Hallmark Specialty Ins. Co. & Southern Outlaw Trucking d/b/a Southern Truckload & Logistics*, Case No.: CIV-16-01392-HE.

**THIS COURT HAS DIVERSITY JURISDICTION**

7. Plaintiff's original Petition is devoid of Plaintiff's statement of jurisdiction and contains no mention of Plaintiff's domicile or State of citizenship. (Exhibit 1). However, the Official Oklahoma Traffic Collision Report states that Plaintiff had an Ohio license at the time of the accident. (Official Oklahoma Traffic Collision Report, Exhibit 10).

8. Plaintiff's Petition prays for damages in excess of Seventy-Five Thousand Dollars (\$75,000.00). (Exhibit 1, Petition at ¶¶ 9, 22, 31, 35).

9. The action is removable as follows:

a. Plaintiff is a citizen of the State of Ohio. (Exhibit 10).

b. At all relevant times, Southern Outlaw was incorporated and had its principal place of business in the State of Texas.

c. Defendant Jordan Q. Bennett is a citizen of the State of Texas.

d. The amount in controversy exceeds the federal jurisdictional minimum, exclusive of interest and costs, as stated in the Petition. (Exhibit 1, Petition).

10. All served Defendants consent to this removal.

11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is contemporaneously being filed with the District Court of Oklahoma, and is being served on the Plaintiff.

12. Based on the foregoing, this Court has removal jurisdiction by way of diversity of citizenship and the amount in controversy.

WHEREFORE, premises considered, Defendant Southern Outlaw Trucking d/b/a Southern Truckload & Logistics prays that the above action be removed from the Oklahoma County District Court to the United States District Court for the Western District of Oklahoma.

Dated this 10<sup>th</sup> day of February, 2017.

Respectfully submitted,

By /s/ Lauren M. Marciano  
DAN S. FOLLUO, OBA# 11303  
[dfolluo@rhodesokla.com](mailto:dfolluo@rhodesokla.com)  
LAUREN M. MARCIANO #32454  
[lmarciano@rhodesokla.com](mailto:lmarciano@rhodesokla.com)  
RHODES, HIERONYMUS, JONES,  
TUCKER & GABLE  
P.O. Box 21100  
Tulsa, Oklahoma 74121-1100  
(918) 582-1173  
(918) 592-3390 Facsimile  
**ATTORNEYS FOR DEFENDANTS**  
**SOUTHERN OUTLAW TRUCKING, LLC**  
**D/B/A SOUTHERN TRUCKLOAD &**  
**LOGISTICS and JORDAN Q. BENNETT**

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2017, I electronically transmitted the foregoing document to the Clerk of the Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Rex Travis, OBA #9081  
Paul Kouri, OBA #20751  
Jacob Masters, OBA #32456  
Post Office Box 1336  
Oklahoma City, Oklahoma 73101-1336  
[info@travislawoffice.com](mailto:info@travislawoffice.com)  
*Attorneys for Plaintiffs*

/s/ Lauren M. Marciano  
DAN S. FOLLUO/LAUREN M. MARCIANO